IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION No: 4565 of 2002

Between:

Resource Technologies Pvt., Ltd., Rep. by its Managing Director 2-62/1, Kakatiyanagar Habsiguda, Hyderabad.

..... PETITIONER

AND

1. Regional Provident Fund Commissioner, A.P. Bharkatpura Hyderabad.
2. Asst. Provident Fund Commissioner, Enforcement Circle, O/o Provident Fund Bharkatpura Hyderabad.
3. Recovery Officer Employees Provident Fund Organisation, Bharkatpura Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ and direct the respondents to forbear from recovering the demand amount of Rs. 4,13,940/- by resorting to coercive action against the petitioner during the pendency of BIFR Case No. 347 of 1998 on the file of the Board for Industrial and Financial Reconstruction and till grant and implementation of a rehabilitation package to the petitioner under the provisions of the Sick Industrial Companies (Special Provisions) Act 1985.

Counsel for the Petitioner: MR.V.VENKATARAMANA

Counsel for the Respondents: MR.R.N.REDDY (SC FOR EMPLOY'S PF ORG.)

The Court made the following:

ORDER:

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

This writ petition is filed seeking a direction to the respondents to forbear from recovering the arrears of the Provident Fund contribution during the pendency of the proceedings before the Board for Industrial and Financial Reconstruction.

This Court while directing Rule Nisi, by order dated 13-03-2002 granted interim stay of further proceedings including recovery of the alleged amount due from the petitioner pursuant to the impugned demand notice dated 19-02-2002 subject to the condition that the petitioner deposits half of the amount demanded within a period of six weeks.

The fact that the petitioner has deposited half of the amount demanded has not been disputed by the learned Counsel for the respondents. However, it is stated that the impugned notice was issued consequent to the order passed by the competent authority under the Provisions of The Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act') determining the liability of the petitioner, and against the said order an appeal lies under Section 7(I) of the Act and therefore it would be appropriate for the petitioner to work out the said alternative remedy available under the Act.

In the circumstances, the petitioner is granted liberty to prefer an Appeal against the order on the basis of which the impugned notice was issued within a period of six weeks from today. If such appeal is

preferred, the interim stay granted by this Court on 13-03-2002 shall continue till the disposal of the Appeal.

Accordingly, the Writ Petition is disposed of. No costs.

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23-12-2004.

LRKM

To

1. The Regional Provident Fund Commissioner, A.P. Bharkatpura Hyderabad.
2. The Assistant Provident Fund Commissioner, Enforcement Circle, O/o Provident Fund Bharkatpura Hyderabad.
3. The Recovery Officer Employees Provident Fund Organisation, Bharkatpura Hyderabad.

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